

EXPRESS MAIL NO. EV 384065562 US

PATENT APPLICATION
Docket No: 13768.494

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
)
 Alan B. Auerbach et al.)
)
Serial No.: Not Yet Assigned)
)
Filed: March 19, 2004)
)
For: CONFIGURABLE COLLECTION OF)
 COMPUTER RELATED METRIC DATA)
)
Customer No.: 022913)

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which

the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

Since all listed references are either in the English language or are accompanied by a translation into English, no concise explanation of relevance is required under 37 C.F.R. § 1.98(a)(3).

DATED March 19, 2004.

Respectfully submitted,



Michael B. Dodd
Attorney for Applicant
Registration No. 46,437
Customer No. 022913

MBD:ds
DS0000001829V001

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))**

Docket No.
13768.494

In Re Application: **Alan B. Auerbach et al.**

Serial No. Not Yet Assigned	Filing Date March 19, 2004	Examiner Not Yet Assigned	Group Art Unit Not Yet Assigned
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CONFIGURABLE COLLECTION OF COMPUTER RELATED METRIC DATA

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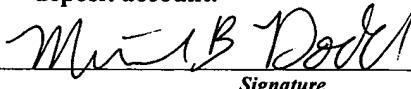
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Dated: **March 19, 2004**

Michael B. Dodd
Attorney for Applicant
Reg. No.: 46,437
Customer No.: 022913

CC:

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
13768.494

In Re Application Of: **Alan B. Auerbach et al.**

Serial No.	Filing Date	Examiner	Group Art Unit
Not Yet Assigned	March 19, 2004	Not Yet Assigned	Not Yet Assigned

Title: **CONFIGURABLE COLLECTION OF COMPUTER RELATED METRIC DATA**

Address to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:
 - the statement specified in 37 CFR 1.97(e);
 - OR**
 - the fee set forth in 37 CFR 1.17(p).